IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Mets et al.
Serial No.:	10/026,297
For:	METHOD AND APPARATUS FOR RETRIEVING ACTIVITY DATA RELATED TO AN ACTIVITY
Filed:	December 21, 2001
Examiner:	Bhat, Aditya S.
Art Unit:	2863
Confirmation No.:	8095
Customer No.:	27623 Attorney Docket No.: I20 01628 US

RESPONSE TO NON-FINAL OFFICE ACTION

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is in reply to the first Office Action dated December 31, 2003.

Claims 1-33 are pending in the application. Reconsideration of this application is respectfully requested.

The Office Action has objected to the drawing because the numbering in the figures is by hand. Subject to the approval of the Examiner, replacement sheets of the drawing are attached hereto that contain reference numerals that are not in hand writing. Therefore, it is submitted that the objection to the drawing is obviated.

The Office Action rejects claims 1-33 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,909,672 to Madore et al., hereafter Madore.

This rejection is erroneous because Madore does not disclose or teach one or more steps of method claims 1-5, 11-19 and 31, one or more elements of apparatus claims 6-10, 20-28 and 32 or one or more elements of memory media claims 29, 30 and 33.

Madore discloses a time clock system in which each worker is assigned a hand held data entry device (PDCD) for the entry of a job number and code for each activity performed during the day. Madore does not disclose or teach the step of processing (independent claim 1), a means for processing or a means to control the computer to process (independent claims 6 and 30) the activity data according to a data structure that defines the first and second intervals such that the first interval frames the second interval. Madore merely teaches the entry by a worker of a job number and code for each job worked on. Madore teaches no data structure used to facilitate the processing of the entered data. Therefore, Madore lacks this step and/or element as recited in independent claims 1, 6 and 30.

The Office Action references column 1, lines 60-63, elements 28 and 34 in Fig. 1 as support for the above noted step and element recited in claims 1, 6 and 30. The column 1 passage merely refers to the storage and processing facility (SPF) that is used to store, maintain and retrieve data from a multiple of PDCD devices. This passage does not mention processing of any activity data according to a data structure that defines first and second intervals such that the first interval frames the second interval at least in part. Element 28 of Fig. 1 is merely a micro-controller that stores the entered data for later transfer to an SPF. Element 34 is merely a keypad for entry of data. Madore does not describe either element 28 or element 34 as processing data according to a data structure as claimed in claims 1, 6 and 30.

Madore does not disclose or teach retrieval of activity data that is stored in a memory by identifying first and second intervals with the second interval being framed in part by the first as recited in independent claims 11, 20, 29, 31 and 32. Madore merely describes the entry of a job number and a code and does not describe any step or means that identifies first and second activities as claimed in independent claims 11, 20, 29, 31 and 32.

The Office Action references column 10, lines 39-42, and elements 28 and 34 in Fig. 1 as support for the above noted steps and elements recited in claims 11, 20, 29, 31 and 32. The column 10 passage merely refers to a self index section 222 that provides for the generation of a self index of a group of PCDP devices that uniquely identifies its position relative to the SPF base 110. There is no identification of activities as claimed in independent claims 11, 20, 29, 31 and 32. Element 28 of Fig. 1 is merely a micro-controller that stores the entered data for later transfer to an SPF. Element 34 is merely a keypad for entry of data. Madore does not describe either element 28 or element 34 as processing data according to a data structure as claimed in independent claims 11, 20, 29, 31 and 32.

In addition, Madore does not process the first and second activities to access a memory to retrieve the activity data as claimed in independent claims 11, 20, 29, 31 and 32. The Office action refers to column 1, lines 60-63 elements 28 and 34 in Fig. 1 as support for the above noted steps and elements recited in claims 11, 20, 29, 31 and 32. The column 1 passage merely refers to the storage and processing facility (SPF) that is used to store, maintain and retrieve data from a multiple of PDCD devices. This passage does not mention processing the first and second activities to retrieve the activity data. Element 28 of Fig. 1 is merely a micro-controller that stores the entered data for later transfer to an SPF. Element 34 is merely a keypad for entry of data. Madore does not describe either element 28 or element 34 as processing data according to a data structure as claimed in independent claims 11, 20, 29, 31 and 32. In fact, Madore does not disclose any processing of the first and second activities to retrieve the activity data. Rather,

Madore merely teaches the transfer of the job entry data from the PCDP devices to the SPF without discussion of processing the identified activities in the accessing process.

Since Madore does not teach a data structure that defines the first and second intervals or the identifying of the first and second intervals as claimed in independent claims 1, 6, 11 and 20, Madore does not teach the attributes of the activities as claimed in dependent claims 2-5, 7-10 and 12-19. The various passages cited in support of the claimed attributes merely refer to data entered by the PDCP device and not to attributes as claimed in the dependent claims. In fact, some of the cited column 1 passages refer to devices and systems of other patents that have nothing to do with the other portions of Madore that are relied on. This is tantamount to a combination of references which is not permitted under 35 U.S.C. 102(b).

For the reason set forth above, it is submitted that the rejection of claims 1-33 under 35 U.S.C. 102(b) as anticipated by Madore is erroneous and should be withdrawn.

The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

It is respectfully requested for the reasons set forth above that the objection to the drawing be withdrawn, that the rejection under 35 U.S.C. 102(b) be withdrawn, that claims 1-33 be allowed and that this application be passed to issue.

Respectfully Submitted,

Date: March 31, 2004

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